

REMARKS

Claims 9-18 are now present in this application.

The abstract and specification have been amended, claims 1-8 have been cancelled without prejudice or disclaimer, and claims 9-18 have been presented. Reconsideration of the application, as amended, is respectfully requested.

Claims 1 and 8 stand objected to for certain informalities. These informalities should now be addressed and this objection should be overcome. Regarding the particular noted informality of claim 2, the Examiner is confused about how measuring can be different from the step of determining. The step of determining a pressing force can be through simulation or through calculation from other quantities, as opposed to direct measurement. Claim 10 brings out the specific step of actually measuring the pressing force. Nonetheless, as noted above, the objections noted by the Examiner should now be addressed and therefore, it is respectfully requested that they be withdrawn.

Claim 4 stands rejected under 35 USC 112, second paragraph. This rejection is respectfully traversed.

Because this informality no longer exists in the claims, it is respectfully requested that the 35 USC 112, second paragraph rejection now be reconsidered and withdrawn.

Claims 1-8 stand rejected under 35 USC 103 as being unpatentable over U.S. Patent 4,570,229 to Breen et al. in view of U.S. Patent 5,913,371 to Jenne. This rejection is respectfully traversed.

The patent to Breen et al. is directed to a tablet press controller and method. This patent is classified in U.S. classes 364/476; 264/40.1 and 425/149. The patent to Jenne, on the other hand, is directed to an apparatus for controlling the feed drive of a boring mechanism for making earth

bores. There is a totally different classification for this patent. In particular, the U.S. classification of Jenne is 175/27; 175/24; 173/4 and 173/177. It is respectfully submitted that the Jenne patent is in no way related to a tablet press controller or method as disclosed in the Breen patent. This is simply non-analogous art. If one working in the tablet press art were to look for ways to control the machine, they would certainly not turn to a hydraulically driven, earth boring mechanism. It is respectfully submitted that one skilled in the art would simply not utilize the Jenne reference.

In the rejection, the Examiner has also noted that the Breen et al. patent undertakes corrective action of adjusting the powder level, activating diverting gates, and signals generated in response to the currents of one or more undesirable events for shutting down the tablet press. The Examiner has then alleged that shutting down the tablet press would read on simply reducing the speed. In other words, this speed could be zero. However, independent claim 9 now recites reducing speed of the rotor below a rated speed to a new speed. Thus, the rotor is slowed down, not stopped. This broad teaching in the Breen et al. patent would not suggest this feature of the present invention. Dependent claim 18 also brings out that there is at least one means for pre-specifying a required speed of the rotor in dependence on the comparison of the determining pressing force with the pre-specified pressing force. Thus, the speed of the rotor is controlled based on the pressing forces. The rotor is not turned off or shut down, but merely its speed can be controlled based on the circumstances. As set forth in both independent claims 9 and 18, this arrangement will avoid damage of the rotary tablet forming machine.

This arrangement in the present invention is not related to improvement or maintenance of tablet quality as is of concern in the Breen et al. patent. Reduction of rotor speed for protection of the machine is different from actions taken to control tablet quantity according to the Breen et

al. patent. The level of powder fill under the term "corrective action" is accomplished in the Breen et al. patent. Reduction of the rotor speed is not for corrective action in response to fluctuations in the production of the present invention, but is a protective measure when the machine is in a start-up phase. Both independent claims 9 and 18 bring out that the method and device are for a rotary tablet forming machine during start-up of the machine. In said circumstances, the press mass may not be adequately filled and damage to the machine can occur if the speed of the rotor is not controlled. This has been recognized by the applicants. The Breen et al. patent teaches limiting the rotor speed in order to control tablet quality. The present invention, on the other hand, is directed to preventing damage to the machine and does not strive for an optimal operational speed but merely a minimal speed. The Breen et al. device works in a different way. It would be unsuitable under normal conditions to run the machine under such a minimal speed condition.

It is respectfully submitted that the Breen et al. patent would neither suggest nor render obvious the claimed invention. The secondary reference Jenne is non-analogous art and should not be combined with the Breen et al. teaching. Nonetheless, even if this were somehow done, it is respectfully submitted that the claimed method and device for control of the present invention would neither be suggested nor rendered obvious. As such, it is respectfully submitted that the 35 USC 103 rejection now be reconsidered and withdrawn.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

Application No. 10/774,641
Amendment dated January 31, 2006
Reply to Office Action of October 31, 2005

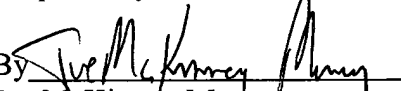
Docket No.: 2694-0140P

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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